

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 87613813 for the mark EMERSON CREEK EVENTS, Opposition No, 91241725, and Application Serial No. 87400157 for the mark EMERSON CREEK POTTERY MADE IN THE USA, Opposition No, 91244057, Consolidated.

COUNTRYVIEW POTTERY CO.)	
d/b/a EMERSON CREEK POTTERY and)	
EMERSON CREEK TEAROOM, and EMERSON)	
CREEK EVENTS, INC.)	
)	
Opposers,)	
)	
v.)	Opposition No.91241725
)	(Parent Case)
EMERSON CREEK POTTERY, INC.)	
)	
Applicant)	

EMERSON CREEK POTTERY, INC.)	
)	
Opposer)	
)	
v.)	Opposition No. 91244057
)	
COUNTRYVIEW POTTERY CO., and)	
EMERSON CREEK EVENTS, INC.)	
)	
Applicants)	

**AMENDED AND SUPPLEMENTAL ANSWERS TO EMERSON CREEK POTTERY'S
FIRST SET OF INTERROGATORIES NO. 3**

NOW COME COUNTRYVIEW POTTERY CO. and EMERSON CREEK EVENTS, INC., by and through their attorneys, Law Offices of McLaughlin & Associates, P.C., and for their Amended and Supplemental Answers to Emerson Creek Pottery's First Set of Interrogatories No. 3, state as follows :



GENERAL OBJECTIONS

Countryview Pottery Co. ("Countryview") and Emerson Creek Events, Inc. ("EC Events") object to Emerson Creek Pottery, Inc.'s ("ECP") definition of "Applicants," "Countryview Parties," or "You" in its Requests for Production of Documents to include Ron Wehrli, and Christina Demiduk and David Demiduk, individually, as they are not Applicants for any trademark at issue.

Countryview and EC Events further to any request that seeks disclosure of information or documents related to sales of pottery or any other goods or any non-banquet or event related services, on the grounds that this opposition is solely associated with the registration of the instant application serial number 87613813 for the mark EMERSON CREEK EVENTS, and therefore such request is overbroad, irrelevant, and not reasonably calculated to lead to discoverable evidence.

Countryview and EC Events object to any request that is not limited in time as such request is overbroad and unduly burdensome.

(The foregoing objections will be collectively referred to herein as "the General Objections" and shall be incorporated by reference in each and every response wherever it states "Subject to the General Objections" before any response.)

TERMS

As used herein, Emerson Creek Pottery, Inc. shall be referred to as "ECP" and Countryview Pottery Co. and Emerson Creek Events, Inc. collectively as "Countryview Parties".

3. What are the total sales per month of Defendants' pottery, cook book, gift shop, tea room, restaurant and event services for each month from the date of first sale thereof to date?
 - (a) Identify the classes of purchasers of Defendants' said goods and services.
 - (b) State the net profit to Defendants per month derived from the sale of pottery, cook books, gift shop, tea room, restaurant and event services. How was profit determined? Identify and annex copies of all documents pertinent to the termination (sp.) of such profits.

ANSWER (AMENDED): Countryview Parties object to disclosure of any sales information except those related to event, restaurant, and banquet services, on the grounds that this opposition is solely associated with the registration of the instant application serial number 87613813 for the mark EMERSON CREEK EVENTS, which does not seek registration for use of the mark for sales of pottery, cookbooks, gift shops, or tea rooms. and therefore such request is overbroad and irrelevant. Without waiving said objections, in response to this Interrogatory, Countryview Parties has produced Confidential-For Attorney's Eyes Only:

ECE 252-257: Sales Information for Countryview's Shop and Restaurant for 2016-2018

ECE 258-264: 1120S Tax Returns (without schedules) for EC Events, redacted to show gross sales, costs of goods, and net sales only for 2012-2018

ECE 265-270: 1120S Tax Returns (with schedules) for Countryview, redacted to show gross sales, costs of goods, and net sales only for 2013-2018

Countryview Parties object to the term "class of purchasers" as it is not defined and is vague.

Because the time frame is unlimited and potentially involves over 20 years of financial data, Countryview Parties do not have ready access to tax returns prior to the dates produced and will have to request same from the IRS, which may be done upon request for a specific time frame.

Dated: June 14, 2019

Respectfully submitted

By: /Kenneth S. McLaughlin, Jr./
One of the Attorneys for Countryview Pottery Co.
and Emerson Creek Events, Inc.

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VERIFICATION BY CERTIFICATION

Under penalties of perjury as provided by law, the undersigned certifies that the previously served Answers to Emerson Creek Pottery's First Set of Interrogatories and the currently served Amended and Supplemental Answers to Emerson Creek Pottery's First Set of Interrogatories No. 3 are true and correct to the best of his or her knowledge.

COUNTRYVIEW POTTERY CO.

By: /Christina Demiduk/
Christina Demiduk, Its President

EMERSON CREEK EVENTS, INC.

By: /Christina Demiduk/
Christina Demiduk, Its President

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on June 14, 2019, he served a copy of the above-referenced Amended and Supplemental Answers to Emerson Creek Pottery's First Set of Interrogatories No. 3 upon Garfield Goodrum via email to: garfield.goodrum@gdrmlaw.net.

/Kenneth S. McLaughlin, Jr./
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